

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To. MOFFAT & CO. Box 2088 Station D OTTAWA, Ontario Canada, K1P 5W3		<h2 style="margin: 0;">PCT</h2> <p style="margin: 5px 0 0 0;">WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</p> <p style="margin: 10px 0 0 0;">(PCT Rule 43bis.1)</p>																	
Applicant's or agent's file reference 2702-112		FOR FURTHER ACTION See paragraph 2 below																	
International application No. PCT/CA2005/000094	International filing date (<i>day/month/year</i>) 27 January 2005 (27-01-2005)	Priority date (<i>day/month/year</i>) 27 January 2004 (27-01-2004)																	
International Patent Classification (IPC) or both national classification and IPC IPC7 H04L 12/16, G06F 17/60																			
Applicant WRAPPED APPS CORPORATION ET AL																			
<p>1. This opinion contains indications relating to the following items :</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the opinion</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>				<input checked="" type="checkbox"/> Box No. I	Basis of the opinion	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
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Name and mailing address of the ISA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476	Date of completion of this opinion 3 June 2005 (03-06-2005)	Authorized officer Donald Lefebvre (819) 997-2822																	

Box No. I **Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search.

3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

WRITTEN OPINION OF THE
 INTERNATIONAL SEARCHING AUTHORITY

International application No.
 PCT/CA2005/000094

Box No. V Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO
Industrial applicability (IA)	Claims <u>1-16</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations :

Reference is made to the following documents:

D1 EP 1 376 745 (CANTER et al.) 02.01.2004

The claimed invention is directed to a system and method for on demand provisioning of applications to clients.

The claims define an online provisioning and management system configured for communication with clients over a computer communication system. The online provisioning and management system creates an application instance of an application in response to a rental request from a client, the application instance being a separate and stand-alone installation of the application, which is dedicated to the client. The online provisioning and management system provides access to the application instance by users of the client, thereby permitting the users to use the application instance. The online provisioning and management system also provides the client with access to provisioning and management functions over the computer communication system allowing the client to rent, manage and maintain the application instance on demand.

(CONTINUED IN SUPPLEMENTAL BOX I)

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

Subject Matter

The subject matter of this international application, as well as the claims, is directed to a scheme for online provisioning and management of an application instance in response to a rental request from a client. No new hardware or software is disclosed; instead known or unspecified hardware and software are being used in the manner in which it was intended.

The subject matter of claims 1-16 is considered to fall into the category of methods of doing business to the extent that **Article 17(2)(a)(I) PCT** and **Rule 39.1(iii) PCT** do not require a search to be performed, and **Rule 43bis.1(b) PCT** and **Rule 67.1(iii) PCT** do not require a written opinion to be given. However, this International Search Authority has opted to make a search and to provide a written opinion.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

ARTICLE 5

The description does not disclose the technical features required for the development and implementation of the online provisioning and management system. Notwithstanding the environment in which the system operates (i.e. the programming language, the web services, etc...), it is unclear how the following capabilities of the system will be specifically handled in terms of data verification, data manipulation or processing, and data recording:

- creating and installing specific application instances, either automatically or manually, as it relates to the client and the service provider computing environment and in terms of the URI;
- modifying the features of the application;
- purchasing subscriptions to the applications;
- providing standard e-commerce features, online live demonstrations, and online time-limited trials;
- monitoring controlling access to application instances;
- removing the application instances;
- providing the ability to upgrade and/or renew subscription terms for the application instances, to save or restore backup copies of the application instances, to set and change client configuration data associated with the application instances, to rename or change the path or URI used to access the application instances, to suspend or resume user access to the application instances, to review resource consumption by the application instances, including usage of storage space, bandwidth and CPU time, to review accesses to the application instance by users, including current users, named users, and number of hits, etc., and to upgrade or downgrade application instances; and
- limiting access to application instances.

The description does not comply with **Article 5 of the PCT** as it does not disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of **Box V**

Document D1, which is considered the most relevant state of the art, discloses a mechanism for installing applications from a remote location without impacting already-installed software applications. The mechanism also provides self-describing components for each installable application. Each component is identified in an application manifest, which is stored in conjunction with the application. A remote user interested in the application may download the application, as described by the application manifest, to a local storage location.

The subject-matter of claims 1-16 differs in that the online provisioning and management system creates an application instance of an application in response to a rental request from a client, the application instance being a separate and stand-alone installation of the application, which is dedicated to the client. As well, the online provisioning and management system also provides the client with access to provisioning and management functions over the computer communication system allowing the client to rent, manage and maintain the application instance on demand.

ARTICLE 33(2) PCT - NOVELTY

The subject-matter of claims 1-16 is considered to be novel, thus fulfilling the requirements of **Article 33(2) of the PCT**.

ARTICLE 33(3) PCT - INVENTIVE STEP

The subject-matter of claims 1-10 is considered to involve an inventive step since, having regard to the prior art, it is not obvious to a person skilled in the art, thus fulfilling the requirements of **Article 33(3) of the PCT**.

ARTICLE 33(4) PCT - INDUSTRIAL APPLICABILITY

The claimed subject matter is considered to have industrial applicability, thus fulfilling the requirements of **Article 33(4) of the PCT**.